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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/825,876

04/16/2004

Edward J. McGunn

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WOOD, PHILLIPS, KATZ, CLARK & MORTIMER  
500 W. MADISON STREET  
SUITE 3800  
CHICAGO, IL 60661

EXAMINER

LEE, BENJAMIN C

ART UNIT

PAPER NUMBER

2612

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/825,876	<b>Applicant(s)</b> MCGUNN ET AL.	
	<b>Examiner</b> Benjamin C. Lee	<b>Art Unit</b> 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 44-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 44-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Claim Status**

1. Claims 44-62 are pending.

### ***Claim Rejections - 35 USC § 103***

2. Claims 44-45, 48-49, 51, 53-54, 57-60 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meeker (US pat. #5,742,034) in view of Siemens (US pat. #6,659,340)

- 1) Regarding claims 44-45:

- a) Meeker discloses the claimed safe (10 of Fig. 1) comprising: a housing (Fig. 1); a door (12) moveably mounted to the housing; an electronic lock including a lock control circuit for selectively opening or locking the door (40 according to col. 3, line 10-25); and a control unit ("CPU") operatively associated with the electronic lock for monitoring activities (including transactions performed with the electronic lock of claim 45) performed with the safe, (col. 3, line 54 to col. 4, line 22, 35-39 and 47-52), the control unit comprising a communication interface for communication on a network, the control unit automatically transmitting information associated with the monitored activities to a user via the network (information communication through communication port 154 according to col. 4, lines 45-53, which communication/transmission is automatic since no manual intervention is involved); except:

- a) the claimed said network is an external network;
    - b) specifying whether the control unit is a programmable control unit as claimed;
    - c) that the control unit automatically transmitting said information responsive to select changes in status of the monitored activities.

However, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention that the control unit in Meeker can be implemented using either a fixed-configuration or programmable type control unit to perform its intended function/operation in the system, and wherein a programmable control unit can be specifically chosen as a general purpose control unit to be programmed for its intended function/operation at a later stage or reconfigured when changes are needed.

Furthermore, Siemens teaches the known monitoring of status of a lock of a safe remotely (for security and tamper detection purposes) by automatically (no user intervention) communicating status information including lock status and status change information to a remote location responsive to select (non-specified by claim) changes in status of the monitored activities (lock status) through an external network (Abstract; col. 8, lines 42-59; col. 14, lines 4-10; col. 15, lines 53-65; col. 16, lines 8-15, 41-50; col. 16, line 61 to col. 17, line 1; col. 18, lines 44-46; network controller 100). In view of the teachings by Meeker and Siemens, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to implement the remote monitoring using an external network such as taught by Siemens to allow users interested in the monitoring to be remotely located beyond the premise of the safes having locks in Meeker, and that transmitting monitored data to the remote monitoring station responsive to select changes in status of the monitored activities prevents unnecessary transmission of previously transmitted status and frivolous information in the status reports in Meeker.

2) Regarding claim 48, Meeker and Siemens render obvious all of the claimed subject matter as in claim 44, including the claimed: wherein the control unit monitors transactions with the electronic lock over a period of time and records information related to said transactions that

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identifies the type of transaction performed through the electronic lock, and the recorded information is transmitted over the communication interface (col. 3, line 60 to col. 4, line 53 of Meeker.)

3) Regarding claim 49, Meeker and Siemens render obvious all of the claimed subject matter as in claim 48, including the claimed: wherein the control unit stores an audit trail of monitored transactions including security information associated with each monitored transaction (col. 4, lines 44-53 of Meeker.)

4) Regarding claim 50, Meeker and Siemens render obvious all of the claimed subject matter as in claim 44, including the claimed: wherein the control unit comprises a programmed computer using a graphical user interface based operating system (20, 22, 24 of Fig. 1 and col. 2, lines 21-53 of Meeker which includes disclosure of a CPU and software.)

4) Regarding claim 51, Meeker and Siemens render obvious all of the claimed subject matter as in claim 44, except: specifying the claimed modem.

However, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to include a modem in the remote communication system through an external network of Meeker and Siemens so that information communication can be implemented in the form of modulated/demodulated data for secure and reliable communication of such information as well known in the art.

5) Regarding claims 53 and 57-58, Meeker and Siemens render obvious all of the claimed subject matter as in the consideration of claims 44, 48 and 49, respectively.

6) Regarding claim 54, Meeker and Siemens render obvious all of the claimed subject matter as in claim 53, plus the consideration of claim 45.

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7) Regarding claim 59, Meeker and Siemens render obvious all of the claimed subject matter as in claim 53, plus the consideration of claim 50.

8) Regarding claim 60, Meeker and Siemens render obvious all of the claimed subject matter as in claim 53, plus the consideration of claim 51.

9) Regarding claim 62, Meeker and Siemens render obvious all of the claimed subject matter as in claim 53, including:

--the claimed wherein the control unit selectively marks the recorded security information in response to the occurrence of at least one specific transaction (“date”, “time”, “nature”, “tampering”, “transaction numbers” selective indications/marks according to col. 4, lines 41-43 and col. 3, line 65 to col. 4, line 3 of Meeker.)

3. Claims 46 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meeker in view of Siemens and Wagner (US pat. #3,878,511).

1) Regarding claim 46, Meeker and Siemens render obvious all of the claimed subject matter as in claim 44, except: the claimed wherein the electronic lock comprises a duress sensor and the control unit transmits indication of a duress condition determined by the duress sensor.

Meeker’s safe includes monitoring and reporting by transmission of a security condition in the form of tampering (col. 4, lines 1 and 15-16), while Wagner teaches a lockable safe which includes a duress sensor allowing an authorized person to summon help by transmission of the duress condition in case of emergency such as under the threat of a person intent on gaining unlawful access to the safe (col. 9, lines 35-51 and col. 11, lines 8-24). In view of the teachings by Meeker, Siemens and Wagner, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to include a duress sensor and indication transmission feature

as taught by Wagner in a safe monitoring and reporting system of Meeker and Siemens so that a duress condition can be monitored and reported to enhance the security and safety of the safe as well as the authorized personnel.

2) Regarding claim 55, Meeker and Siemens render obvious all of the claimed subject matter as in claim 53, plus the consideration of claim 46 in view of Wagner.

4. Claims 47 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meeker in view of Siemens and Bentley (US pat. #6,529,723)

1) Regarding claim 47, Meeker and Siemens render all of the claimed subject matter as in claim 44, except: the claimed wherein the control unit transmits information associated with the monitored activities to a user via the external network with an email notification.

While Meeker and Siemens did not specify the type of notification format with the reporting/transmission of information associated with the monitored activities through the external network such as the Internet, Bentley teaches the known use of email as a way of notifying a user of the monitored activities including door lock activities (col. 3, line 53; col. 4, lines 48-53; col. 5, line 47.) In view of the teachings by Meeker, Siemens and Bentley, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to implement an email notification as taught by Bentley in a system such as taught by Meeker and Siemens as a convenient way of user notification based on user's preference.

2) Regarding claim 56, Meeker and Siemens render obvious all of the claimed subject matter as in claim 53, plus the consideration of claim 47 in view of Bentley.

5. Claims 52 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meeker in view of Siemens and Nishijima (US pat. #5,915,069)

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1) Regarding claim 52, Meeker and Siemens render obvious all of the claimed subject matter as in claim 44, except: the claimed further comprising a video capture device operatively associated with the control unit for monitoring an external area proximate the safe, wherein the monitored activities comprise video information recorded by the control unit.

In the same art of monitoring a safe, Nishijima teaches a video capture and recording system on a safe that is integrated with the safe's transaction activity sensors such as door sensors and motion sensors for remote monitoring (Figs. 1 and 6; col. 3, lines 1-61.)

In view of the teachings by Meeker, Siemens and Nishijima, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to include video monitoring as taught by Nishijima in the safe monitoring system of Meeker and Siemens so that video monitoring as well as video evidence can be included for detail analysis and evidence proof purposes.

2) Regarding claim 61, Meeker and Siemens render obvious all of the claimed subject matter as in claim 53, plus the consideration of claim 52 in view of Nishijima.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 44-62 have been considered but are moot in view of the new ground(s) of rejection.

1) Previous ground of rejection based on Takeshi has been withdrawn, due to the disqualification of Takeshi as prior art as indicated by Applicant.

2) The claimed "external network" has been given its narrower interpretation commensurate with the specification disclosure and Applicant's arguments. As a result the above new ground of rejection has been made using additional reference of Siemens.



3) The above rejection further addresses the claimed transmitting monitored lock data responsive to changes of the monitored activities as met by the combination of Meeker and Siemens. Furthermore, prompts on LCD screen 24 on the remote monitor to obtain a printed report does not mean that the electronic report that is made available to the remote monitor from the safe is not automatically generated.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin C. Lee whose telephone number is (571) 272-2963. The examiner can normally be reached on Mon -Thu 9:00Am-5:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Benjamin C. Lee/  
Primary Examiner, Art Unit 2612